

Executive Summary – Enforcement Matter – Case No. 52004
Sunoco Partners Marketing & Terminals L.P.
RN100214626
Docket No. 2016-0357-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sunoco Partners Nederland Terminal, 2300 North Twin City Highway, Nederland,
Jefferson County

Type of Operation:

Petroleum storage/transport terminal

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 10, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,600

Amount Deferred for Expedited Settlement: \$1,920

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,680

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 1, 2016 through February 2, 2016

Date(s) of NOE(s): March 2, 2016

Executive Summary – Enforcement Matter – Case No. 52004
Sunoco Partners Marketing & Terminals L.P.
RN100214626
Docket No. 2016-0357-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,347.77 pounds ("lbs") of volatile organic compounds and 61.74 lbs of hydrogen sulfide from the Process Fugitives Emissions, Emission Point Number F-TRML, during an avoidable emissions event (Incident No. 225600) that began on January 7, 2016 and lasted for four hours. The emissions event occurred during maintenance of an excavated pipeline with a small leak. The pipeline was not properly supported following excavation which caused stress on the fitting of the pipeline causing the pipeline to rupture. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit No. 1980, Special Conditions No. 1, Federal Operating Permit No. 1573, Special Terms and Conditions No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures at the Plant designed to prevent unauthorized emissions due to the same cause as the emissions event, Incident No. 225600:

- a. On February 9, 2016, terminal management ordered a review of dead-legs and an update of the tracking log by the pipeline integrity group to identify and schedule removal of any remaining dead-legs and dresser couplings; and
- b. By March 23, 2016, the pipeline material standard for the pipeline excavation procedure was revised to exclude the use of dresser couplings as standard pipeline materials.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 52004
Sunoco Partners Marketing & Terminals L.P.
RN100214626
Docket No. 2016-0357-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Carol McGrath, Enforcement Division,
Enforcement Team 4, MC R-13, (210) 403-4063; Michael Parrish, Enforcement
Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: G. W. Turner, Senior Manager, Sunoco Partners Marketing & Terminals
L.P., P.O. Box 758, Nederland, Texas 77627

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	7-Mar-2016	Screening	10-Mar-2016	EPA Due	
	PCW	11-Mar-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	Sunoco Partners Marketing & Terminals L.P.
Reg. Ent. Ref. No.	RN100214626
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	52004	No. of Violations	1
Docket No.	2016-0357-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Carol McGrath
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **38.0%** **Adjustment** **Subtotals 2, 3, & 7** **\$2,850**

Notes: Enhancement for two NOV's with same/similar violations, four NOV's with dissimilar violations, and one order with denial of liability.

Culpability **No** **0.0%** **Enhancement** **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$750**

Economic Benefit **0.0%** **Enhancement*** **Subtotal 6** **\$0**

Total EB Amounts \$104
Estimated Cost of Compliance \$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$9,600**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$9,600**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$9,600**

DEFERRAL **20.0%** **Reduction** **Adjustment** **-\$1,920**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$7,680**

Screening Date 10-Mar-2016

Docket No. 2016-0357-AIR-E

PCW

Respondent Sunoco Partners Marketing & Terminals L.P.

Policy Revision 4 (April 2014)

Case ID No. 52004

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100214626

Media [Statute] Air

Enf. Coordinator Carol McGrath

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 38%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two NOVs with same/similar violations, four NOVs with dissimilar violations, and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 38%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 38%

Screening Date 10-Mar-2016

Docket No. 2016-0357-AIR-E

PCW

Respondent Sunoco Partners Marketing & Terminals L.P.

Policy Revision 4 (April 2014)

Case ID No. 52004

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100214626

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit No. 1980, Special Conditions No. 1, Federal Operating Permit No. 1573, Special Terms and Conditions No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,347.77 pounds ("lbs") of volatile organic compounds and 61.74 lbs of hydrogen sulfide from the Process Fugitives Emissions, Emission Point Number F-TRML, during an avoidable emissions event (Incident No. 225600) that began on January 7, 2016 and lasted for four hours. The emissions event occurred during maintenance of an excavated pipeline with a small leak. The pipeline was not properly supported following excavation which caused stress on the fitting of the pipeline causing the pipeline to rupture. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent completed corrective actions by March 23, 2016, after the March 2, 2016 Notice of Enforcement.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$104

Violation Final Penalty Total \$9,600

This violation Final Assessed Penalty (adjusted for limits) \$9,600

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 52004
Reg. Ent. Reference No. RN100214626
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	7-Jan-2016	23-Mar-2016	0.21	\$104	n/a	\$104

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent unauthorized emissions due to the same cause as the emissions event, Incident No. 225600. The Date Required is the date of the emissions event. The Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$104

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN601403199, RN100214626, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN601403199, Sunoco Partners Marketing & Terminals L.P. **Classification:** SATISFACTORY **Rating:** 0.58

Regulated Entity: RN100214626, SUNOCO PARTNERS NEDERLAND TERMINAL **Classification:** SATISFACTORY **Rating:** 0.95

Complexity Points: 27 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2300 N TWIN CITY HWY, NEDERLAND, JEFFERSON COUNTY, TX 77627-3550

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0091L

AIR OPERATING PERMITS PERMIT 1573

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

TXD045196565

REGISTRATION # (SWR) 32500

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST

TXP490351982

37471

AIR NEW SOURCE PERMITS AFS NUM 4824500057

AIR NEW SOURCE PERMITS PERMIT 1980

AIR NEW SOURCE PERMITS REGISTRATION 4338

AIR NEW SOURCE PERMITS PERMIT 5691

AIR NEW SOURCE PERMITS PERMIT 7394

AIR NEW SOURCE PERMITS REGISTRATION 10476

AIR NEW SOURCE PERMITS REGISTRATION 10644

AIR NEW SOURCE PERMITS REGISTRATION 11669

AIR NEW SOURCE PERMITS REGISTRATION 12268

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0091L

AIR NEW SOURCE PERMITS PERMIT 56508

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1444

AIR NEW SOURCE PERMITS REGISTRATION 118730

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1472

AIR NEW SOURCE PERMITS REGISTRATION 107665

AIR NEW SOURCE PERMITS REGISTRATION 111204

WASTEWATER EPA ID TX0005746

WASTEWATER PERMIT WQ0001151000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0091L

STORMWATER PERMIT TXR05AX72

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: March 08, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 08, 2011 to March 08, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Carol McGrath

Phone: (210) 403-4063

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 07/31/2011 ADMINORDER 2011-0106-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits oil and grease and total suspended solids as documented by a TCEQ record review of self-reported data.

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	April 13, 2011	(924784)
Item 2	May 13, 2011	(938022)
Item 3	June 13, 2011	(945345)
Item 4	July 12, 2011	(952619)
Item 5	August 19, 2011	(959300)
Item 6	September 16, 2011	(965333)
Item 7	October 04, 2011	(971373)
Item 8	November 15, 2011	(977532)
Item 9	December 16, 2011	(984299)
Item 10	January 11, 2012	(990601)
Item 11	March 10, 2012	(1003486)
Item 12	April 13, 2012	(1010050)
Item 13	May 08, 2012	(1016445)
Item 14	June 15, 2012	(1024164)
Item 15	July 16, 2012	(1031560)
Item 16	August 09, 2012	(1037936)
Item 17	September 20, 2012	(1046668)
Item 18	October 19, 2012	(1060861)
Item 19	October 29, 2012	(1030314)
Item 20	November 14, 2012	(1060862)
Item 21	December 12, 2012	(1060863)
Item 22	January 17, 2013	(1078957)
Item 23	February 19, 2013	(1078956)
Item 24	March 21, 2013	(1089301)
Item 25	April 17, 2013	(1095697)
Item 26	July 19, 2013	(1117181)
Item 27	August 16, 2013	(1124937)
Item 28	September 13, 2013	(1129537)
Item 29	October 18, 2013	(1135267)
Item 30	November 15, 2013	(1140666)
Item 31	December 19, 2013	(1147125)
Item 32	January 17, 2014	(1153194)
Item 33	February 20, 2014	(1160529)
Item 34	March 20, 2014	(1167174)
Item 35	April 17, 2014	(1174307)
Item 36	May 13, 2014	(1180495)
Item 37	June 19, 2014	(1187393)
Item 38	August 06, 2014	(1184884)
Item 39	August 21, 2014	(1198536)
Item 40	September 19, 2014	(1205798)
Item 41	October 17, 2014	(1212210)
Item 42	November 20, 2014	(1218462)
Item 43	December 19, 2014	(1224241)
Item 44	January 09, 2015	(1208974)
Item 45	January 19, 2015	(1230768)
Item 46	February 20, 2015	(1242278)
Item 47	March 20, 2015	(1248607)

Item 48	May 13, 2015	(1248222)
Item 49	June 11, 2015	(1269386)
Item 50	June 30, 2015	(1259680)
Item 51	July 06, 2015	(1259080)
Item 52	July 15, 2015	(1248302)
Item 53	July 17, 2015	(1276932)
Item 54	July 30, 2015	(1266294)
Item 55	September 11, 2015	(1290249)
Item 56	November 16, 2015	(1301905)
Item 57	December 17, 2015	(1308833)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 03/31/2015 (1255507) CN601403199
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 04/30/2015 (1262217) CN601403199
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 06/30/2015 (1241494) CN601403199
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter V 106.492(2)(C)
5C THSC Chapter 382 382.085(b)
Description: Failure to operate a thermal control device (portable flare) as per the claimed Permit by Rule 30 Texas Administrative Code (30 TAC) 106.492.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS OP
Description: Failure to submit a final report no later than two weeks after the end of the emissions event.
- 4 Date: 07/31/2015 (1283109) CN601403199
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 08/13/2015 (1261513) CN601403199
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Special Condition 6E PERMIT
Special Term & Condition 10 OP
Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.
- 6 Date: 09/30/2015 (1296452) CN601403199
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits: N/A

G. Type of environmental management systems (EMSs): N/A

H. Voluntary on-site compliance assessment dates: N/A

I. Participation in a voluntary pollution reduction program: N/A

J. Early compliance: N/A

Sites Outside of Texas: N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION**

**CONCERNING
SUNOCO PARTNERS
MARKETING & TERMINALS L.P.
RN100214626**

§
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§
§
§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2016-0357-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sunoco Partners Marketing & Terminals L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum storage/transport terminal located at 2300 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$9,600 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,680 of the penalty and \$1,920 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN.

CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant designed to prevent unauthorized emissions due to the same cause as the emissions event, Incident No. 225600:
 - a. On February 9, 2016, terminal management ordered a review of dead-legs and an update of the tracking log by the pipeline integrity group to identify and schedule removal of any remaining dead-legs and dresser couplings; and
 - b. By March 23, 2016, the pipeline material standard for the pipeline excavation procedure was revised to exclude the use of dresser couplings as standard pipeline materials.

II. ALLEGATIONS

During a record review conducted from February 1, 2016 through February 2, 2016, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit No. 1980, Special Conditions No. 1, Federal Operating Permit No. 1573, Special Terms and Conditions No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 12,347.77 pounds ("lbs") of volatile organic compounds and 61.74 lbs of hydrogen sulfide from the Process Fugitives Emissions, Emission Point Number F-TRML, during an avoidable emissions event (Incident No. 225600) that began on January 7, 2016 and lasted for four hours. The emissions event occurred during maintenance of an excavated pipeline with a small leak. The pipeline was not properly supported following excavation which caused stress on the fitting of the pipeline causing the pipeline to rupture. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sunoco Partners Marketing & Terminals L.P., Docket No. 2016-0357-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or

reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director


8/19/16
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

5-9-16
Date

G. W. TURNER
Name (Printed or typed)
Authorized Representative of
Sunoco Partners Marketing & Terminals L.P.

SR. DIRECTOR
Title

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Order.

☐ If mailing address has changed, please check this box and provide the new address below: